

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

SHAWN BARRON,

Plaintiff,

CV 02 5253 (TCP)(ETB)

- against -

**STIPULATION OF
SETTLEMENT**

TOWN OF SOUTHAMPTON, TOWN COUNCIL
OF THE TOWN OF SOUTHAMPTON, PATRICK
HEANEY, in his individual and official capacity as
SUPERVISOR OF THE TOWN COUNCIL OF THE
TOWN OF SOUTHAMPTON, VINCENT
CANNUSCIO, in his individual and official capacity
as former Supervisor of the Town Council of the
Town of Southampton, and LINDA KABOT,
STEVEN KENNY, DENNIS SUSKIND, and
CAROLYN ZENK, individually and in their
official capacities as members of the TOWN
COUNCIL OF THE TOWN OF SOUTHAMPTON

Defendants.

-----X

This Stipulation of Settlement is entered into by and between Shawn Barron and the Town of Southampton, Town Council of the Town of Southampton, Patrick Heaney, in his individual and official capacity as Supervisor of the Town Council of the Town of Southampton, Vincent Cannuscio, in his individual and official capacity as former Supervisor of the Town Council of the Town of Southampton, and Linda Kabot, Steven Kenny, Dennis Suskind and Carolyn Zenk, individually and in their official capacities as members of the Town Council of the Town of Southampton, this 27th day of February, 2003.

This case is settled on the following terms:

1. Plaintiff will meet with his immediate supervisor and department head to discuss Plaintiff's duties, responsibilities and the expectations of his department with respect to the discharge of his duties and responsibilities.

2. Plaintiff will serve a three-month review period ending on March 31, 2003. At the completion of that review period, Barron's immediate supervisor and department head will make a recommendation to the Town Board on a promotion to the position of Senior Environmental Analyst. The recommendation shall be based solely on Barron's performance during the period between January 1, 2003 and March 31, 2003. If the recommendation is in favor of the promotion, Barron will, subject to the approval of the Suffolk County Civil Service Department, be appointed to the position, on a provisional basis, retroactive to January 1, 2003 at Grade J, Step 1 of the CSEA salary schedule, a copy of which is attached.

3. Plaintiff releases all claims against the Defendants with prejudice and his action in case CV 02 5253 will be discontinued with prejudice. The Stipulation of Discontinuance with prejudice will be held in escrow by the attorney for Defendant and will be filed with the Court in the event Barron receives the provisional appointment referred to in paragraph "2" above.

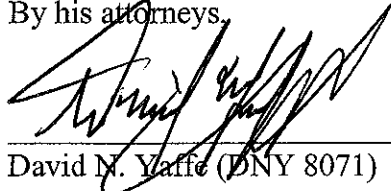
4. Upon being appointed provisionally to the Senior Environmental Analyst position, Barron will request that the Suffolk County Civil Service Department hold a competitive examination for the position of Senior Environmental Analyst. The Town will support Barron's request.

5. Each party shall pay its own costs, fees and disbursements of this action.

Dated: February 26, 2003
Lake Success, New York

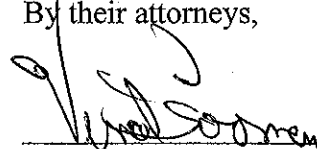
IN WITNESS WHEREOF

Shawn Barron,
By his attorneys,



David M. Yaffe (DNY 8071)
HAMBURGER, MAXSON & YAFFE, LLP
225 Broadhollow Road, Suite 301F
Melville, New York 11747
(631) 694-2400

Town of Southampton, et al.
By their attorneys,



Vincent Toomey (VT3810)
LAW OFFICE OF VINCENT TOOMEY
3000 Marcus Avenue, Suite 3W9
Lake Success, New York 11042
(516) 358-5690

SO ORDERED

3/03/03

H